REMARKS

Reconsideration of the above referenced application in view of the enclosed amendments and remarks is requested. This response cancels claims 1-30 and enters new claims 31-57. Claims 31, 42, 45, and 50 are the independent claims.

ARGUMENT

The Office Action rejects all claims based on either 35 U.S.C. § 102(e) or 35 U.S.C. § 103(a).

35 U.S.C. § 102(e)

The Office Action rejects claims 11, 13-17, 19-20, and 22-29 under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 6,609,116 to Jeffrey Lotspiech (hereinafter "Lotspiech"). Applicant respectfully submits that at least one of those rejections is not well founded, and Applicant respectfully traverses those rejections, to the extent that they might be applied to the current claims.

For a valid rejection under 35 U.S.C. § 102, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." (MPEP § 2131.01, quoting from Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)).

Embodiments of the present invention described in the claims now pending pertain to a new type of record, known as a column index record, to be included in a media key block. Unlike a conventional media key record, which may only include header information for itself, the column index record includes header information for multiple media key records. Accordingly, as described in the Detailed Description, the column index record may be used to reduce the amount of time required for processing the media key block.

Specifically, claim 31 recites a method that involves formatting a media key block to include a "column index record," wherein the column index record comprises "header information for two or more media key records." In addition,

claim 31 recites that the header information comprises column fields for "two or more media key records." Similarly, each of claims 42, 45, and 50 also involves a media key block that comprises a column index record, wherein the column index record comprises header information for two or more media key records, and the header information comprises column fields for two or more media key records.

Lotspiech pertains to "a method for updating old blank media onto which newer content is sought to be copied, to reduce the risk of unauthorized copying of new content onto old unupdated media" (Abstract). Lotspiech says nothing about including a column index record in the media key block, wherein the column index record comprises header information for multiple media key records. Lotspiech therefore does not anticipate any of the pending claims.

35 U.S.C. § 103(a)

The Office Action rejects claims 1-10, 12, 18, 21, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Lotspiech and U.S. patent no. 6,397,311 to James Capps (hereinafter "Capps"). Applicant respectfully submits that at least one of those rejections is not well founded, and Applicant respectfully traverses those rejections, to the extent that they might be applied to the current claims.

Capps pertains to a method for defragmenting a file system, such as a file system created in the UNIX operating system. Specifically, Capps indicates that a "fragmented" file is a file that does not reside in "a contiguous region" of the disk, and that fragmentation causes reduced performance, due to the additional movement of the disk read/write head needed to access the pieces of the file in the non-contiguous regions. Accordingly, in the context of Capps, "defragmenting" means rearranging "the file segments and free space on the disk so that each file resides in a contiguous region of the disk." (Abstract; col. 1, lines 7-27.)

Neither Lotspiech nor Capps provides any motivation to combine Lotspiech and Capps. Any rejections under 35 U.S.C. § 103(a) based on the combination of Lotspiech and Capps are therefore invalid.

Furthermore, even if Lotspiech and Capps were to be combined, the combination would not produce all of the features of any of the pending claims in the

present application. A combination of Lotspiech and Capps therefore would not establish a *prima facie* case of obviousness for any of the pending claims. Instead, the combination would merely produce a system that processes media key records using the method described by Lotspiech, and also defragments a file system using the method described by Capps.

In particular, the combination would not generate a media key block that comprises a column index record, wherein the column index record comprises header information for two or more media key records, and the header information comprises column fields for two or more media key records. The combination therefore would not render any of the independent claims obvious.

In addition, the dependent claims recite numerous additional features that would not be disclosed or suggested by a combination of Lotspiech and Capps. For instance, claim 32 involves a media key block that is formatted to include "both the column index record and a verify media key record within a single data transfer unit of the machine accessible medium." Claim 37 recites "arranging the column index record before a verify media key record in the media key block." Claim 42 involves "determining which of the two or more media key records should be accessed, based at least in part on the column fields in the column index record for the two or more media key records." Claim 44 involves accessing media key records that include encrypted key data fields "only if those media key records comprise a column value that corresponds to the predetermined column value for the device." Even if Lotspiech and Capps were to be combined, the combination would not produce any of those features.

For reasons including those set forth above, the pending claims patentably define the invention over the prior art of record.

CONCLUSION

In view of the foregoing, claims 31-57 are all in condition for allowance. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (512) 732-3927. Prompt issuance of Notice of Allowance is respectfully requested.

Respectfully submitted,

Dated: 1/4/04

/ Michael R. Barre /

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